



Legislative Bulletin.....December 4, 2001

Contents:

1. **H.Con.Res. 242**—Recognizing Radio Free Europe/Radio Liberty's success in promoting democracy and its continuing contribution to United States national interests.
2. **H. R. 3348**—To designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center (Hyde)
3. **H.Con.Res. 102**—Hunger to Harvest Resolution: A Decade of Concern for Africa
4. **S. 494**—Zimbabwe Democracy and Economic Recovery Act of 2001 (Frist)
5. **H.R. 90**—Know Your Caller Act
6. **H.Con.Res. 277**—Recognizing the important contributions of the Hispanic Chamber of Commerce
7. **H.Con.Res. 25**—Expressing the Sense of the Congress regarding tuberous sclerosis (Kelly)
8. **H.R. 2441** — To amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center, and for other purposes. (Baker)
9. **H.J.Res. 60**—Honoring Maureen Reagan on the occasion of her death and expressing condolences to her family
10. **H.R. 3323**—Administrative Simplification Compliance Act
11. **H.R. 3391** -Medicare Regulatory and Contracting Reform Act (Johnson, Nancy)
12. **HR 3346** —To amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses (Manzullo)
13. **H.R. __**—To name the national cemetery in Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes.
14. **H.Res. 298**—Expressing the sense of the House of Representatives that Veterans Day should continue to be observed on November 11 and separate from any other federal holiday or day for federal elections or national observances
15. **H. R. 2305**— Criminal Justice Coordinating Council Restructuring Act of 2001 (Morella)
16. **H.R. 1169**—To amend title 39, United States Code, with respect to “cooperative mailings.”
17. **H.R. 3322**—Bear River Migratory Bird Refuge Visitor Center Act
18. **H. R. 2238**— To authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes (Rogers, Hal)
19. **H. R. 2115**— To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and

outside of the service area of the Lakehaven Utility District, Washington. (*Smith, Adam*)

20. **H.R. 2538**—Native American Small Business Development Act (*Udall*)

H.Con.Res. 242—Recognizing Radio Free Europe/Radio Liberty's success in promoting democracy and its continuing contribution to United States national interests (Hyde)

Order of Business: The resolution is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 242 would resolve that Congress:

- “congratulates the editors, journalists, and managers of Radio Free Europe/Radio Liberty on a half century of effort in promoting democratic values, and particularly their contribution to promoting freedom of the press and freedom of expression in areas of the world where such liberties have been denied or are not yet fully institutionalized;” and
- “recognizes the major contribution of Radio Free Europe/Radio Liberty to the growth of democracy throughout the world and its continuing efforts to advance the vital national interests of the United States in building a world community that is more peaceful, democratic, free, and stable.”

Additional Background: According to the resolution, Radio Free Europe/Radio Liberty began operations over 50 years ago, initially aimed at Eastern Europe and the Soviet Union, with a mission to “promote democratic values and institutions by disseminating factual information and ideas.”

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H. R. 3348—To designate the National Foreign Affairs Training Center as the George P. Shultz National Foreign Affairs Training Center (Hyde)

Order of Business: The bill is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary: The bill renames the National Foreign Affairs Training Center after President Reagan's Secretary of State George P. Shultz.

Cost to Taxpayers: A CBO estimate is unavailable and the bill authorizes no expenditures.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Sheila Moloney x6-9719

H.Con.Res. 102—Hunger to Harvest Resolution: A Decade of Concern for Africa (Leach)

Order of Business: The resolution is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 102 would resolve a sense of Congress that:

- “a moral people cannot tolerate the existence of hunger, poverty, and disease in any part of the world;”
- the U.S. should commit to increased levels of “effective, poverty-focused development assistance” to sub-Saharan Africa;
- the President should work with other countries and non-governmental organizations to increase development assistance for sub-Saharan Africa and ensure that such assistance is actually used to reduce hunger and poverty;
- Congress should undertake a multi-year commitment with other donors to provide the resources necessary to cut hunger by one-half in sub-Saharan Africa, with funding directed toward health, education, agriculture, “micro-finance development,” and debt relief
- “such funding should support both bilateral and multilateral poverty-focused development efforts in sub-Saharan Africa, including efforts by nongovernmental and private voluntary organizations, **including faith-based institutions;**” and
- the Administrator of the United States Agency for International Development should submit annual reports to Congress on progress made on such efforts to reduce hunger in sub-Saharan Africa.

The resolution would also state that:

- **“If the United States were to shoulder one-fourth of the aid burden--approximately \$1,000,000,000 a year--the obligation of America would amount to a penny per day per citizen;”**
- “Sustainable development and poverty reduction in sub-Saharan Africa cannot occur without additional public and private sector investment;” and

- “The right to life, liberty, and the pursuit of happiness should not be denied to people simply because they live on an impoverished continent.”

Additional Background: According to the resolution:

- “33 of the world's 41 poorest debtor countries are in sub-Saharan Africa, and approximately 291,000,000 individuals in sub-Saharan Africa, nearly half of sub-Saharan Africa's total population, currently live in extreme poverty on less than \$1 a day;”
- one of every seven children in sub-Saharan Africa dies before his or her fifth birthday, and one-half of these deaths are due to malnutrition;
- “sub-Saharan Africa is home to 70 percent of adults and 80 percent of children living with the HIV virus, and to three-quarters of the people worldwide who have died of AIDS since the epidemic began;” and
- “notwithstanding sub-Saharan Africa's enormous development challenges, United States companies hold approximately \$15,000,000,000 in investments in sub-Saharan Africa, greater than United States investments in either the Middle East or Eastern Europe, and total United States trade with sub-Saharan Africa currently exceeds that with all of the independent states of the former Soviet Union, including the Russian Federation.”

Cost to Taxpayers: Though the resolution would call for increased federal government spending for poverty-relief in sub-Saharan Africa, it would not actually authorize such funding.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

S. 494— Zimbabwe Democracy and Economic Recovery Act of 2001 (Frist)

Order of Business: The bill will be considered under suspension of the rules on Tuesday, December 4, 2001.

Summary: S. 494 authorizes the President to spend \$26 million promoting democratic institutions and the rule of law in Zimbabwe. The bill notes that this provision “supersedes any other provision of law.” S. 494 also establishes a Presidential certification process for Zimbabwe that would require certification that 1) the rule of law has been restored, including “respect for ownership and title to property;” 2) election or pre-election conditions exist; 3) there is a commitment to equitable, legal, and transparent land reform; 4) good-faith efforts to end war in Congo are being made; and 5) the military and national police are subordinate to civilian government.

Once this Presidential certification takes place, the Secretary of the Treasury shall “undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by any agency of the United States Government.” The Senate bill then required the Secretary to direct US representatives to international monetary bodies to propose a review of Zimbabwe’s debt to each body and possible economic assistance. The House committee amended this provision to make it a sense of Congress that the Secretary recommend such a review by international bodies.

Until the President can certify the requirements noted above, S. 494 requires the Treasury Secretary to instruct the US representative to international monetary bodies to oppose debt forgiveness or further economic aid to Zimbabwe.

The bill also includes a Sense of Congress that actions be taken against individuals responsible for violence and lawlessness in Zimbabwe.

Additional Background: Zimbabwe President Robert Mugabe is facing mounting international criticism for alleged human rights abuses and the violent and forceful repatriation of white-owned farms by ruling party militants that began early last year. Mugabe recently reportedly rebuffed requests by European Union officials to send international observers to the country's elections next year.

Cost to Taxpayers: CBO estimates that implementing the bill would cost \$23 million over the 2002-2006 period, subject to appropriation. S. 494 earmarks \$20 million for land reform and \$6 million for programs to promote democracy and good governance in Zimbabwe from funds otherwise authorized to be appropriated in 2002 for development assistance and economic support fund. No funds are currently authorized for 2002. CBO assumes that the specified amounts would be appropriated by the end of the session and that outlays would follow historical spending patterns.

Constitutional Authority: A Committee Report citing Constitutional Authority is unavailable.

Does the Bill Create New Federal Programs or Rules: YES, the bill authorizes a new program to fund democratic institutions, the free press and the rule of law in Zimbabwe, and following a Presidential certification that certain requirements are met, will open the door to U.S. debt forgiveness for Zimbabwe.

RSC Staff Contact: Sheila Moloney x6-9719

H.R. 90—Know Your Caller Act (Frelinghuysen)

Order of Business: The bill is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the rules.

Summary: H.R. 90 would make it illegal for a telephone solicitor to interfere with or circumvent caller-ID capabilities or to fail to provide caller-ID information to a caller-ID service, provided that the solicitor is using a telecommunications service or equipment that is capable of transmitting caller-ID information. Caller-ID information would have to include the name of the person or company making the solicitation call, the name of the person or company on whose behalf the solicitation call is made, and a phone number that could be used to contact the solicitor during regular business hours for requests to be removed from call lists.

A person or entity who receives a request for placement on a do-not-call list would then not be permitted to use such person's name and phone number for telemarketing, mail marketing, or other marketing purpose (including transfer or sale to any other entity for marketing use).

H.R. 90 would also establish a private right of action for a person or private entity to sue solicitors and recover damages (at the discretion of a judge: up to three times any actual monetary loss or up to a total of \$1500, whichever is greater) for violations of the provisions in this bill. State attorneys-general could also sue solicitors on behalf of citizens.

The Federal Communications Commission (FCC) would be required to study and report to Congress (within a year) on:

- the capability of the public switched network to transmit the information that can be accessed by caller-ID services;
- the types of equipment being used in the telemarketing industry, the extent of such use, and the capabilities of such types of equipment to transmit the information that can be accessed by caller-ID services; and
- the changes to the public switched network and to commonly used equipment that would be necessary to provide for the network to be able to transmit caller-ID information on all phone calls, and the costs (including costs to the telemarketing industry) to implement such changes.

H.R. 90 would preempt caller-ID provisions of some state telemarketing statutes, which could affect the associated fines and penalties that states currently assess.

Cost to Taxpayers: CBO estimates that implementing H.R. 90 (assuming the appropriation of necessary funds) would have no net cost effects on federal spending. Though the FCC would have to spend less than \$500,000 to implement the new regulations under this bill, such expenditures would be offset by an increase in collected fees (from the telecommunications industry) credited to the FCC's annual appropriations.

Does the Bill Create New Federal Programs or Rules?: YES. H.R. 90 would create new mandates for private telemarketing firms, preempt certain state telecommunications laws, create a new cause of private or public legal action, and mandate a new FCC study and report.

Constitutional Authority: The House Energy & Commerce Committee (in House Report 107-13) cites constitutional authority in Article I, Section 8, Clause 3 (the power to regulate commerce).

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.Con.Res. 277—Recognizing the important contributions of the Hispanic Chamber of Commerce (Paul)

Order of Business: The resolution is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 277 would resolve that “it is important to the promotion of the free market process of the United States, to the future success of Hispanic Americans, and to society at large that the special role of the Hispanic Chamber of Commerce of the United States be recognized and further cultivated to the benefit of all Americans.”

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.Con.Res. 25—Expressing the Sense of the Congress regarding tuberous sclerosis (Kelly)

Order of Business: The resolution will be considered under suspension of the rules on Tuesday, December 4, 2001.

Summary: Tuberous sclerosis complex is a genetic disorder characterized by seizures and tumor growth in vital organs such as the brain, heart, kidneys, lungs, and skin. Individuals with tuberous sclerosis commonly begin having seizures during the first year of life, and conventional epilepsy therapies often do not control the seizure activity in infants, children or adults. There are at least one million people worldwide who are known to have tuberous sclerosis.

The resolution has 9 findings, including:

- Whereas the Congress as an institution, and Members of Congress as individuals, are in unique positions to help raise public awareness about the need for increased funding for research, detection, and treatment of tuberous sclerosis and to support the fight against tuberous sclerosis.

H.Con.Res. 25 states that the House is resolved that (1) “all Americans should take an active role in the fight against tuberous sclerosis” (2) the role played by those who promoting awareness “should be recognized and applauded;” and that “**(3) the Federal Government has a responsibility to--** (A) endeavor to raise awareness about the importance of the early detection of, and proper treatment for, tuberous sclerosis; **(B) increase funding for research so that the causes of, and improved treatment for, tuberous sclerosis may be discovered; and** (C) continue to consider ways to improve access to, and the quality of, health care services for detecting and treating tuberous sclerosis;” and (4) that the NIH should provide Congress with a five-year research plan for tuberous sclerosis (emphasis added).

Cost to Taxpayers: While there is no cost to the resolution, it does state that it is the “responsibility” of the Federal Government “to increase funding for research” on this disease and resolves that NIH should come up with a 5-year research plan and submit it to Congress.

Constitutional Authority: The Committee finds its Constitutional Authority in Article I, section 8, clause 3 of the Constitution (Commerce clause).

Does the Bill Create New Federal Programs or Rules: No.

RSC Staff Contact: Sheila Moloney x6-9719

H.R. 2441 — To amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center, and for other purposes (Baker)

Order of Business: The bill will be considered under suspension of the rules on Tuesday, November 6, 2001.

Summary: The bill changes the name of a leprosy center from the ‘Gillis W. Long Hansen's Disease Center’ to the ‘National Hansen's Disease Programs Center’. Legislation passed in the 105th Congress transferred ownership of the Gillis W. Long Hansen's Disease Center disease center in Carville, Louisiana from HHS to the state of Louisiana, but the federal government retained the National Hansen's Disease Programs (NHDP), which have now moved to East Baton Rouge. Much confusion has resulted from the similar names and because federal law requires the location of the NHDP to be named Gillis W. Long Hansen's Disease Center; legislation is needed to change the name.

Cost to Taxpayers: CBO estimates that passage of H.R. 2441 would have no significant impact on the federal budget.

Constitutional Authority: The Committee (In Report no. 107-174) finds authority under Article I, section 8, clause 3 of the Constitution (commerce clause).

Does the Bill Create New Federal Programs or Rules: No.

RSC Staff Contact: Sheila Moloney x6-9719

H.J.Res. 60—Honoring Maureen Reagan on the occasion of her death and expressing condolences to her family (*Markey*)

Order of Business: The resolution is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary, as amended: H.J.Res. 60 would resolve that Congress, on the occasion of the “tragic and untimely” death of Maureen Reagan:

- recognizes Maureen Reagan as one of the country’s most “beloved and forceful champions” for action to treat and cure Alzheimer’s disease; and
- “expresses deep and heartfelt condolences to the family of Maureen Reagan, including her husband Dennis Revell and her daughter Rita Revell.”

The resolution would also state that:

- “Maureen Reagan helped inspire the Congress to increase federal research funding for Alzheimer’s disease by amounts proportionate to increases in research funding for other major diseases”; and
- “During the last six months of her life, from her hospital bed and home, Maureen Reagan urged the Congress to increase funding for Alzheimer’s disease research at the National Institutes of Health.”

Additional Background: Maureen Reagan, daughter of President Reagan, died on August 8, 2001, of malignant melanoma (skin cancer). For more information on Maureen Reagan, go to this website: <http://www.alz.org/media/news/mreagan080801valiant.htm>

President Reagan is currently living with Alzheimer’s disease.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 3323—Administrative Simplification Compliance Act (Hobson)

Order of Business: The bill is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the rules.

Summary: H.R. 3323 would extend until October 16, 2003, the deadline for a health care provider under Medicare, health plan (other than a small health plan), or a health care clearinghouse to comply with regulations for electronic health-care-related transactions, subject to the submission by October 16, 2002, of a plan to become compliant with such regulations. . Applicable transactions include the submission of forms, payments, referrals, etc. The Secretary of Health and Human Services would have to develop by March 31, 2002, a model form for the submission of a plan of compliance.

Subject to certain exceptions, all Medicare claim forms would be required to be submitted electronically by October 16, 2003.

The bill would authorize appropriations of **\$4.2 million** for technical assistance, education, outreach, and enforcement activities related to the electronic transactions regulations.

However, this authorization would be reduced by 25% if the Secretary is 14-29 days late in meeting the deadline to create the model form described above. Further, the authorization would be reduced by 50% if the Secretary is 30-44 days late, by 75% if the Secretary is 45-59 days late, and by 100% if the Secretary is 60 or more days late.

Cost to Taxpayers: The bill would authorize **\$4.2 million** for technical assistance, education, outreach, and enforcement activities related to the electronic transactions regulations, subject to performance-based reductions detailed above.

Does the Bill Create New Federal Programs or Rules?: No, the bill would extend deadlines for current law.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 3391 -Medicare Regulatory and Contracting Reform Act (Johnson, Nancy)

Order of Business: The bill is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the rules.

Summary (based on the summary provided by the Energy & Commerce Committee): H.R. 3391 would essentially reduce paperwork, streamline the Medicare program and its benefits, and educate and clarify the rights of providers. The bill would have no net cost to the taxpayer. Highlights of the sections of the bill are as follows:

Title I - Regulatory Reform

- consolidates promulgation of regulations to once a month
- establishes hard deadlines and other firm rules for creating new regulations
- prohibits retroactive application of substantive changes
- establishes that a substantive change will not become effective until 30 days after the change is announced
- instructs the Secretary to report to Congress on regulatory burdens

Title II - Contracting Reform

- allows the Secretary to contract with separate contractors for separate duties
- allows greater flexibility in selecting contractors, assigning contractor functions, permitting competitive contracting
- eliminates provider nomination of national or state organizations for contracting purposes
- expands the kind of entities eligible to serve as contractors and establishes new evaluation criteria
- allows for bonuses to be built into provider contracts
- consolidates fiscal intermediary and carrier responsibilities under a common contracting framework
- requires Medicare contractors to develop contractor-wide information security programs for their Medicare-related business.

Title III - Education and Outreach

- creates incentives to improve contractor performance related to education and outreach
- requires access to and prompt responses from contractors, including general written responses to inquiries within 45 days, subject to monitoring
- authorizes enhanced resources for provider education, and establishes special outreach for small providers
- makes frequently asked questions and answers publicly available over the Internet
- prevents contractors from using attendance at education programs to trigger audits
- creates a Beneficiary Assistance Demonstration Program to restore Medicare specialists in selected Social Security offices to answer beneficiary questions on Medicare issues.

Title IV - Appeals and Recovery

- expedites access to judicial review for issues that cannot be resolved administratively, and requires expedited review of certain provider agreement determinations
- requires full and early presentation of evidence in appeals
- requires use of medical records in appeals
- establishes notice requirements for determinations and re-determinations
- creates eligibility requirements for qualified independent contractors

- ensures that underlying billing mistakes are corrected by permitting contractors to request supporting documentation for a limited sample of claims
- allows providers to submit additional information in the consent settlement process
- requires the Secretary to establish a process for enrollment of providers in the Medicare program, and establishes hearing rights for disenrolled providers
- requires the Secretary to develop a process to allow correction of minor errors or omissions in submitted claims without having to initiate an appeal
- sets up a process for seniors and their doctors to find out in advance whether certain services are covered by Medicare after receiving an advanced beneficiary notice.

Title V - Miscellaneous Provisions

- requires pilot testing of new evaluation and management guidelines prior to implementation and requests studies of simpler systems of documentation for physician claims
- establishes a Council for Technology and Innovation to coordinate the activities of coverage, coding and payment for new technologies, procedures and drugs
- instructs the Institute of Medicine to study the process of, and information used in, making local coverage determinations
- creates a public process for Secretary's consideration in establishment of payment levels for certain new clinical lab tests
- prohibits the Secretary from requiring hospitals to ask questions regarding secondary payer requirements that are not required for independent labs
- allows hospice programs to contract with other hospice programs to perform core services under extraordinary circumstances
- requires hospitals not otherwise subject to the Occupational Safety and Health Act to comply with the bloodborne pathogens standard to reduce needlestick injuries, but would not subject a hospital that fails to comply to termination as a Medicare provider

Cost to Taxpayers: CBO reported to the Health Subcommittee of the Ways & Means Committee that H.R. 3391 would have no net affect on direct spending. An estimate of authorizations in the bill is unavailable.

Does the Bill Create New Federal Programs or Rules?: No, it would modify current law.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov , (202) 226-9718

H.R. 3346 —To amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses (Manzullo)

Order of Business: The bill will be considered under suspension of the rules on Tuesday, December 4, 2001.

Summary: HR 3346 amends the Institutional Reporting Requirements under the Tax Reform Act of 1997 Hope and Lifetime Learning Tax Credits. The bill:

- modifies the definition of what an eligible educational institution is from an institution that *receives payments* to one that *enrolls students*; and also modifies the institution's reporting definition for an individual, from individuals who send payments or interest to individuals who are enrolled/were enrolled at the institution and certain transactions were made.
- Eliminates the requirements that institutions file a 1098-T if they make reimbursements or refunds to students of qualified tuition and related expenses and clarifies the 1098-T reporting of grants and scholarships.
- Eliminates the requirement that institutions must report to the IRS the name, address, and Taxpayer Identification Number (TIN) of any person claiming the student as a dependent on federal income tax forms.
- Modifies the 1098-T reporting of the aggregate amount of qualified tuition and related expenses *paid* to allow institutions the option to report, instead, the aggregate amount of qualified tuition and related expenses *billed*.
- Adds a provision clarifying the reporting of adjustments to the aggregate amount of payments received or billed and grant aid.
- Retains the requirement that persons engaged in a trade or business described in subsection (a)(2) to report the aggregate amount of reimbursements

Further Background: Evidently, this bill is meant to address problems with some higher education institutions and the Hope Scholarship Tax Credits. Because of some schools' tuition accounting system, students are having difficulty using their Hope Scholarship Tax Credit (\$1,500/year) toward their tuition. The bill seeks to ease some reporting requirements to facilitate use of the credit.

Cost to Taxpayers: No CBO cost estimate is available.

Constitutional Authority A Committee Report citing Constitutional Authority is unavailable.

Does the Bill Create New Federal Programs or Rules: The bill modifies IRS code dealing with reporting requirements of higher education.

RSC Staff Contact: Sheila Moloney x6-9719

**H.R. __—To name the national cemetery in Saratoga, New York, as the
Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes
(Hastert)**

Order of Business: The bill will be considered under suspension of the rules on Tuesday, November 6, 2001.

Summary: The bill renames the national cemetery located in Saratoga, New York, as the “Gerald B.H. Solomon Saratoga National Cemetery” after the late 10-term Representative from Saratoga. The bill also requires the Secretary of Veterans Affairs to provide for the placement of “a suitable memorial to honor the memory of Gerald B.H. Solomon and his service to the United States.”

Cost to Taxpayers: A CBO cost estimate is unavailable, but costs of the Solomon memorial and renaming logistics seemingly will be born by Veterans Affairs, though no express authorization of appropriations is made in the bill.

Constitutional Authority: A Committee Report citing Constitutional Authority is unavailable.

Does the Bill Create New Federal Programs or Rules: The bill renames a national cemetery.

RSC Staff Contact: Sheila Moloney x6-9719

**H.Res. 298—Expressing the sense of the House of Representatives that
Veterans Day should continue to be observed on November 11 and separate
from any other federal holiday or day for federal elections or national
observances (Terry)**

Order of Business: The resolution is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 298 would express a sense of the House that Veterans Day should continue to be observed on November 11 and separate from any other federal holiday or day for federal elections or national observances.

The resolution would also state that “maintaining Veterans Day as a legal public holiday separate from all other federal holidays and days for elections or national observances is the least that a grateful nation should do in recognition of its veterans.”

Additional Background: In August 2001, the National Commission on Federal Election Reform (the “Ford-Carter Commission”) recommended combining Veterans Day with

Election Day in even years. Rep. Sheila Jackson-Lee (D-TX) has introduced a bill (H.R. 62) to move Veterans Day to Election Day in presidential-election years.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H. R. 2305— Criminal Justice Coordinating Council Restructuring Act of 2001 (Morella)

Order of Business: The bill will be considered under suspension of the rules on Tuesday, December 4, 2001.

Summary: The bill authorizes certain federal officials to serve on the District of Columbia Criminal Justice Coordinating Council, participate in the Council's activities, and take such other actions as may be necessary to carry out their duties as members of the Council. The officials are: The Director of the Court Services and Offender Supervision Agency for D.C., the Director of the D.C. Pretrial Services Agency, the U.S. Attorney for the District of Columbia, the Director of the Bureau of Prisons, the chair of the U.S. Parole Commission, and the Director of the U.S. Marshals Service. H.R. 2305 further requires a yearly report from DC's Criminal Justice Coordinating Council describing the activities carried out by the Council during the year.

Cost to Taxpayers: No CBO cost estimate is available, but the bill authorizes for FY02 and each succeeding fiscal year "such sums as may be necessary for a Federal contribution to the District of Columbia to cover the costs incurred by the District of Columbia Criminal Justice Coordinating Council "

Constitutional Authority A Committee Report citing Constitutional Authority is unavailable.

Does the Bill Create New Federal Programs or Rules: YES, the bill authorizes federal participation in a local D.C. crime council and also authorizes a federal contribution to the District to cover costs incurred by the DC Criminal Justice Coordinating Council.

RSC Staff Contact: Sheila Moloney x6-9719

H.R. 1169—To amend title 39, United States Code, with respect to "cooperative mailings" (Burton)

Order of Business: The bill is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1169 would clarify that groups authorized to send mail at non-profit postage rates could still get such rates when sending cooperative mailings in contract with groups **unauthorized** to get such rates, as long as those rates would still apply in the case of identical mail matter sent by an authorized organization *without* a relationship with the unauthorized organization.

For example, many churches and other non-profit groups do not have the resources to do their own direct mailing, so they outsource it to for-profit direct-mail firms. But often the Postal Service has not allowed such non-profits to mail at the non-profit rate (since the mail technically originates from the for-profit direct-mail firm that is ineligible for non-profit postal rates). This bill would allow these non-profits to mail at non-profit rates even when the actual mailing is produced by a for-profit direct-mail firm.

The bill would also declare that an unauthorized organization (i.e. a for-profit direct-mail firm) would not be allowed to advertise, promote, offer, or, for a fee or consideration, recommend, describe, or announce the availability of any of its products or services at non-profit postage rates.

Cost to Taxpayers: The bill would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: H.R. 1169 clarifies current law (39 U.S.C. 3626(j)).

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 3322—Bear River Migratory Bird Refuge Visitor Center Act (Hansen)

Order of Business: The bill is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3322 would authorize **\$11.0 million** for the Secretary of the Interior to construct the Education and Administrative Center at the Bear River Migratory Bird Refuge in Box Elder County, Utah. The bill would authorize the Secretary to accept donations of funds and services from nonprofit organizations, state and local governments, and private citizens for the construction of the Center. But, the Secretary would be prohibited from

requiring matching funds or contributions in kind with a combined total value of more than \$1.5 million for construction.

Additional Background: In 1928, Congress created the Bear River Migratory Bird Refuge as one of the first national wildlife refuges. According to the bill, the Bear River marshes have been a “historical waterfowl oasis and an important inland waterfowl flyway for thousands of years.” Further, “the creation of [an education and administrative center] would significantly enhance public appreciation of waterfowl and the need to preserve waterfowl habitat.”

Cost to Taxpayers: The bill would authorize appropriations of \$11.0 million to construct the new Center.

Does the Bill Create New Federal Programs or Rules?: It would authorize the construction of an education and administrative center on the grounds of a pre-existing national wildlife refuge.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H. R. 2238— To authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes (Rogers, Hal)

Order of Business: The bill will be considered under suspension of the rules on Tuesday, November 6, 2001.

Summary: The bill would authorize the Interior Secretary to purchase 4,500 acres in Middlesboro, Kentucky, comprised of Lake Fern, and its surrounding watershed. The land, which is inside the 20,000-acre Cumberland Gap National Historical Park (that straddles the state lines of Kentucky, Tennessee and Virginia) is currently privately owned. According to *National Journal*, Rep. Rogers, R-Ky. said the purchase would block developers and preserve scenic vistas.

The Secretary may acquire lands by donation, purchase with donated or appropriated funds, or exchange, but “only with the consent of the owner.” Under current law, water from federal lands may not be sold, but since Lake Fern is the primary water supply for Middlesboro, H.R. 2238 would essentially grandfather in the water sale and stipulate that “proceeds from the sale of the water shall be available for expenditure by the Secretary at the park without further appropriation.”

Cost to Taxpayers: No CBO estimate is available, and there is no amount authorized in the introduced bill.

Constitutional Authority A Committee Report citing Constitutional Authority is unavailable.

Does the Bill Create New Federal Programs or Rules: YES, the bill would authorize the Interior Secretary to add an additional 4,500 acres to federal lands.

RSC Note: Last year's cost estimates of the maintenance backlog for federally owned properties, including the national park system, ranged anywhere from \$8 to \$15 billion.

RSC Staff Contact: Sheila Moloney x6-9719

H. R. 2115— To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington. (*Smith, Adam*)

Order of Business: The bill will be considered under suspension of the rules on Tuesday, November 6, 2001.

Summary: H.R. 2115 would authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater in the Lakehaven Utility District, Washington. According to the Committee, the Bureau of Reclamation currently has a list of 25 specifically authorized projects under Title XVI of the Reclamation Wastewater and Groundwater Study and Facilities Act, this would increase the list to 26. Lakehaven has two secondary wastewater treatment plants currently discharging over six million gallons of water a day into Puget Sound. The project would consist of the construction of additional treatment systems at the District's two wastewater treatment plants and the construction of transmission and distribution pipeline systems to transport water to reuse areas, where facilities will be developed to direct the water to the aquifer. This would be done through injection wells, sub-surface infiltration galleries and land applications in areas that are currently wetland restoration project areas.

Cost to Taxpayers: CBO estimates that implementing H.R. 2115 would cost \$8 million over the 2002-2006 period, subject to appropriation. According to the Committee, the total cost for these facilities is estimated to be \$38 million, though the bill stipulates that the federal cost shall not exceed 25% of the total cost and that the Secretary shall *not* provide funds for the operation and maintenance of the project.

Constitutional Authority The Committee (In Report no. 107-302) finds authority under article I, section 8 of the Constitution (Powers of Congress) but does not specify a clause.

Does the Bill Create New Federal Programs or Rules: YES, the bill would make a local water project in Washington a partially federally funded and constructed project.

RSC Staff Contact: Sheila Moloney x6-9719

H.R. 2538—Native American Small Business Development Act (*Udall, Tom*)

Order of Business: The bill is scheduled to be considered on Tuesday, December 4th, under a motion to suspend the rules and pass the bill.

Summary, as amended: H.R. 2538 would authorize **\$21.0 million** of additional grants for existing Small Business Development Centers (SBDCs) to assist with outreach, development, and enhancement of small business startups and expansions that are owned by Indian tribe members, Alaska Natives, or Native Hawaiians and that are located in Alaska, Hawaii, or on Indian lands in the remaining eligible states.

A state would only be eligible if its combined population of Indian tribe members, Alaska natives, and Hawaiian natives is at least 1% of the state's total population. States receiving such grants would have to consult with the governing bodies of Indian tribes, certain Alaska native entities, and certain Hawaiian native entities.

The bill would authorize \$7.0 million for each of fiscal years 2002, 2003, and 2004 for such grants. No Small Business Development Center could receive more than \$300,000 in grants in a single fiscal year.

Additional Background: The Small Business Development Center program provides grants for small business counseling and technical assistance at over 1000 centers nationwide to help start-ups, reduce business failures, and increase business expansions. SBDCs are jointly funded by the private sector, schools, and federal, state, and local governments to provide management assistance to current and prospective small business owners. H.R. 2538 would create an additional SBDC grant stream specifically for Indian and Alaska/Hawaii native businesses.

Cost to Taxpayers: The bill would authorize \$7.0 million for each of fiscal years 2002, 2003, and 2004 (**\$21 million total**) for new grants to Small Business Development Centers to assist businesses owned by Indians, native Alaskans and native Hawaiians. CBO reported no additional costs in the legislation.

Does the Bill Create New Federal Programs or Rules?: H.R. 2538 would authorize new grants within a pre-existing grant program.

Constitutional Authority: The Committee on Small Business (in House Report 107-211) cites constitutional authority in Article I, Section 8, Clause 18 (the congressional power to make all laws that are “necessary and proper”).

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718